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## FAX FILING IN U.S. PATENT & TRADEMARK OFFICE

DATE: May 2, 2006

TIME: \_\_\_\_\_

TO:	Mail Stop PCT	FAX NO.:	571-273- <del>8300</del> 8300
FROM:	Daniel N. Calder	ADMIN. ASST.:	Juli Lawrence
APPLN. NO.:	10/535,568	ATTY. DOCKET NO.:	C&P-145US
TITLE OF APPLN.: EQUIPMENT FOR MECHANICAL MACHINING, IN PARTICULAR FOR THE TURNING AND DRILLING OF LIGHT ALLOY WHEELS			
FILING DATE:	May 19, 2005	ART UNIT:	1725
FIRST INVENTOR:	Roberto SAMMARTIN, et al.	CONF. NO.:	7458
TITLE OF DOCUMENT (and List of Attachments): Transmittal; Response to Notice of Non-Compliant Amendment (37 CFR 1.121); Corrected Preliminary Amendment (with attachments); Courtesy copy of Notice of Non-Compliant Amendment			

Total Number of Pages: 26 (including this form)

### COMMENTS

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PTO/SB/21 (05-04) (AW 10/2004)

Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/535,568
	Filing Date	May 19, 2005
	First Named Inventor	Roberto Sammartin, et al.
	An Unit	1725
	Examiner Name	Not Yet Assigned
Total Number of Pages In This Submission	Attorney Docket No.	C&P-145US

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ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Notice of Non-Compliant Amendment; Corrected Preliminary Amendment w/attachments; Courtesy copy of Notice of Non-Compliance
Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm Name	RatnerPrestia		
Signature	<i>Daniel N. Calder</i>		
Printed Name	Daniel N. Calder		
Date	May 2, 2006	Registration No.	27,424

CERTIFICATE OF TRANSMISSION / MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature	<i>Juli Lawrence</i>		Date
Typed or Printed Name	Juli Lawrence	Date	May 2, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Appln. No.: 10/535,568  
Reply to Office Action of April 24, 2006

C&amp;P-145US

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Appln. No: 10/535,568  
Applicant: Roberto SAMMARTIN, et al.  
Filed: May 19, 2005  
Title: EQUIPMENT FOR MECHANICAL MACHINING, IN PARTICULAR FOR THE  
TURNING AND DRILLING OF LIGHT ALLOY WHEELS  
TC/A.U.: 1725  
Examiner: Not Yet Assigned  
Confirmation No.: 7458  
Docket No.: C&P-145US

**RESPONSE TO NOTICE OF  
NON-COMPLIANT AMENDMENT (37 CFR 1.121)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to a Notice of Non-Compliant Amendment issued April 24, 2006.

According to a telephone conference with Crystal Queen, Legal Instruments Examiner, of the U.S. Patent and Trademark Office, the Preliminary Amendment filed May 19, 2005 was non-compliant. According to Ms. Queen, the Preliminary Amendment was non-compliant because the Preliminary Amendment at page 2 underlined one and one-half lines which was not necessary.

To overcome this Notice, Applicants are resubmitting the Preliminary Amendment as filed but have corrected the error on page 2. A copy of the Notice of Non-Compliant Amendment (37 CFR 1.121) is attached hereto.

C&P-145US

Appln. No.: 10/535,568  
Reply to Office Action of April 24, 2006

Early examination and allowance of the above-identified application is respectfully requested.

Respectfully submitted,



Daniel N. Calder, Reg. No. 27,424  
Attorney for Applicants

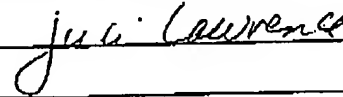
DNC/jal

Dated: May 2, 2006

P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being filed via Facsimile Transmission to Facsimile No. 1-571-273-8300 addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:  
MAY 2, 2006



Juli A. Lawrence

JAL\_I:\C&P\145US\5.2.06 RESPONSE TO NOT OF NON-COMPLIANT AMD.DOC

# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

10/535568

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 5-19-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

## THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☒ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_
- ☐ 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*Cristal Queen*  
Legal Instruments Examiner (LIE)

571-272-1041  
Telephone No.